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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/709,750	05/26/2004	Mohammad Saberan	LC0153PUS	3749
36014	7590	09/07/2005	EXAMINER	
JOHN A. ARTZ ARTZ & ARTZ, P.C. 28333 TELEGRAPH ROAD, SUITE 250 SOUTHFIELD, MI 48034			BURNHAM, SARAH C	
			ART UNIT	PAPER NUMBER
			3636	

DATE MAILED: 09/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/709,750	SABERAN, MOHAMMAD
	<b>Examiner</b>	<b>Art Unit</b>
	Sarah C. Burnham	3636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 28 June 2005.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 11-17 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,3-6,8-10,18 and 19 is/are rejected.
- 7) Claim(s) 2,7 and 20 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 26 May 2004 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date. _____.   |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3-6 and 9-10, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Ganser et al. (6,550,856). Ganser et al. disclose an automotive seat assembly for use in an automobile comprising: an automotive seat element (1) comprising: a seatback element (3) comprising a seatback forward face (unlabeled), a seatback top face (unlabeled), and a seatback rearward face (unlabeled), said seatback element can “pivot about a seat-back axis of rotation A3” (column 9, line 29) between a seatback use position (i.e. referred to as an “upright position” (column 9, line 37)) and a seatback folded position (i.e. referred to as “a tilted-forward position” (column 9, line 38)), and a seat base element (unlabeled) as is best disclosed in figure 9b, comprising a seat base top face (un-illustrated); a headrest mounting structure (11) positioned within said seatback element (3), a pivot structure (25) having a lower pivot end (25b) and an upper pivot end (25a), said lower pivot end (25b) rotatably mounted to said headrest mounting structure (11) by way of element (19a) and element (15), said pivot structure (25) rotatable about said lower pivot end (25b) between a pivot structure storage position (see the forwardly projecting headrest structure in Figure 3a) and a pivot structure use position (see the rearward located headrest in Figure 3a), said pivot structure (25)

extending vertically upward from said seatback top face (unlabeled) when in said pivot structure use position, said upper pivot end (25a) rotating forward about said lower pivot end (25b) to reach said pivot structure storage position; a headrest inner structure (17a) rotatably engaged to said upper pivot end (25a), said headrest inner structure (17a) extending on a downward angle from said upper pivot end (25a); a headrest outer structure (5)(5a) covering said headrest inner structure (17a), said headrest outer structure (5)(5a) comprising a head engagement surface (5a), said head rest inner structure (17a) rotatable away from said seat back element (3) such that as said pivot structure rotates into said pivot structure storage position, said headrest outer structure slides down along said seatback forward face as is best depicted in Figure 3a.

With respect to claim 3, said headrest inner structure (17a) comprises a u-shaped support (notice two arms of the lever (17a)) extending downward from said upper pivot (25a).

With respect to claim 4, torsion springs (31a) and (31b) biases the head engagement surface (5a) in the downward position (column 5, lines 16-19) toward the seatback (3).

With respect to claim 5, said pivot structure (25) is biased toward said pivot structure storage position given that springs (31a)(31b) exert a downward force on lever (19a) and inner structure (17a) into said pivot structure storage position, said pivot structure (25) lockable using a lower pivot locking element (29) into said pivot structure use position; and said lower pivot locking element (29) disengaging said pivot structure (25) in response to said seatback element moving into said seatback folded position

given that movement of the seatback (3) into the forward tilted or storage position, tension on the Bowden cable is relieved and the locking element (29) is released (column 9).

With respect to claim 6, an indentation (unlabeled), seen best in Figure 3a toward the top of the backrest (3) is formed in the seat back forward face (unlabeled), said headrest outer structure (5a)(5) moveable within said indentation as said pivot structure (25) moves between said pivot structure use position (rearward position in Figure 3a) and said pivot structure storage position (forward position in Figure 3a).

With respect to claim 9, said pivot structure (25) includes a pair of inwardly arched pivot arms (19a).

With respect to claim 10, said head engagement surface (5a) protrudes from said seatback forward face when in said pivot structure storage position, as is best seen in Figure 3a, said protruding prompting manual return to said pivot structure use position when said seatback element is returned to said seatback use position.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ganser et al. (6,550,856). Ganser discloses all claimed structural elements

however does not disclose the specifically claimed method steps of folding, releasing, pivoting, sliding and returning.

It would have been obvious to one of ordinary skill in the art at the time of the instant invention to deduce the specifically claimed method steps from the structure disclosed by Ganser. Furthermore, Ganser discloses how the movement can be achieved manually in column 9, line 58.

5. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ganser (6,550,856) in view of Ishibashi (4,657,297). As disclosed above, Ganser reveals all claimed elements with the exception of a headrest rear protrusion fitting into a lower face of said indentation.

Ishibashi teaches the use of a headrest (4) with a rear protrusion (unlabeled) that fits into an indentation having a lower face as is best disclosed in Figure 2.

It would have been obvious to one of ordinary skill in the art at the time of the instant invention to modify the profile of the seat back to have a more defined indentation with a lower face. Such a modification would make the headrest more flush with the seatback further diminishing the footprint of the backrest and headrest combination in the folded position.

***Allowable Subject Matter***

6. Claims 2, 7 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Amendment/Arguments***

7. The amendment filed on June 28, 2005 has been considered in its entirety.

Remaining issues are detailed in the above sections.

Applicant argues that Ganser does not disclose a lower pivot end connected to the headrest mounting structure. Frame member (11) constitutes the headrest mounting structure. Pivot structure (25) is connected to members (17a) and (19a) which are in turn connected to cross bars (14) and (15) which are connected to the headrest mounting structure (11). Therefore, the Examiner concludes that the lower pivot end (25b) is connected to the headrest mounting structure (11). The claim does not require the lower pivot end to be directly connected to and in direct contact with the headrest mounting structure (11).

Applicant further argues that said pivot structure (25) does not extend vertically upward from the seatback top face. The Examiner would like to point out that the seat back top face is at least partially defined by the cross member (15). At element (15) the seat back transitions into the headrest area. The top of the angled portion is considered the seatback top face. The Examiner maintains that the pivot structure (25) is extending vertically upward from the seatback top face.

Applicant further argues that the upper pivot end does not rotate forward about the lower pivot end. In Figure 3a it can be seen that when the headrest outer structure is in the upright position, the upper pivot end (25a) is located rearward of the lower pivot end (25b) because of the angle of upper arm (17a). When the headrest outer structure is pivoted to the storage position, the upper pivot end (25a) is located forward of the lower pivot end (25b). Therefore, the Examiner concludes that the upper pivot end rotates forward about the lower pivot end.

Applicant further argues that Ganser does not disclose a headrest inner structure. The Examiner maintains that element (17) is a headrest inner structure. The headrest includes the area located above the concave bend in the forward surface of the seat. Element (17) is located within this area and is therefore considered a headrest inner structure.

Applicant further argues that the headrest inner structure (17) does not extend at a downward angle from the upper pivot end (25a). Figure 4c best discloses how the headrest inner structure (17) has two arms. One of such arms is extending downwardly and rearward from the upper pivot end (25a) toward the cross bar (13). Applicant further argues that the headrest inner structure fails to rotate away from the seat back. When the inner structure (17) pivots outward away from the headrest mounting structure (11) it is simultaneously moving away (i.e. forward) of the seat back. Furthermore, Applicant argues that the Ganser reference does not disclose a headrest that slides down the face of the seat back. The Examiner respectfully disagrees. IN

Figure 3a it is clearly seen how the headrest (5a) moves forwardly and slides down the face of the seat back.

Applicant further argues that elements (17) are not u-shaped supports. The Examiner maintains that the concave bend between the two extending arms of element (17) form a u-shape.

Applicant further argues that the torsion springs (31) doe not bias the head engagement surface toward the seat back. Column 5, lines 16-19 explain how the torsion springs (31) bias the structure downward and outward. In essence the springs are biasing the headrest at an angle, which has a downward vector component directed toward the seatback and an outward vector component directed away from the seatback.

Applicant further argues that Ganser does not disclose a pair of inwardly arched pivot arms. The Examiner maintains that elements (17) are inwardly arched. The arms are inwardly arched with respect to each other. The claim does not require that the arms be inwardly arched with respect to the headrest or any other structure.

### ***Conclusion***

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sarah C. Burnham whose telephone number is 571-272-6854. The examiner can normally be reached on M-Th 7:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on 571-272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
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SCB  
August 31, 2005